IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE NINTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 10388 of 1997

Between:

1 Dandyala Seethamma, (File No.112/2617/85),
W/o.Late Rangaiah, Hindu, Jubileepura,
Khammam, Khammam District.
2 Muvvala Lingaiah, (File No.112/3203/85),
S/o.Suraiah,Hindu, R/o.Mohan Road,
Khammam, Khammam District.
3 Bandadi Kamalamma, (File No.112/1999/85),
W/o.Laged Lingam, Hindu, R/o.Kaman Bazar,
Khammam, Khammam District.
4 Vankayalapati Savithramma, (File No.112/3568/85),
W/o.Late Narasaiah, Hindu, R/o.Nagulavancha,
Chintakani Mandal, Khammam District.
5 Rayala Gopala Krishnaiah, (File No.112/3129/85),
S/o.Appaiah, Hindu, R/o.Pindiprolu,
Thirumalayapalem Taluk, Khammam District.
6 Ryala Yesaiah, (File No.112/3123/85),
S/o.Venkatanarayana, Hindu, R/o.Prindiprolu,
Thirumalayapalem, Khammam District.
7 Danddyala Manikyamma, (File No.112/2615/85),
W/o.Late Lingaiah, Hindu, R/o.Jubileepura,
Khammam, Khammam District.
8 Swarna Kotaiah, (File No.112/2615/85),
S/o.Narayana, Hindu, R/o.Narasimhapuram,
Chintakani Mandal, Khammam District.
9 Nanaka Rama Rao, (File No.112/2630/85),
S/o.Venkatnarayana, Hindu, R/o.Narasimhapuram,
Chintakani Mandal, Khammam District.
10 Pentayala Veeraiah, (File No.112/2630/85),
S/o.Venkaiah, Hindu, R/o.Narasimhapuram,
Chintakani Mandal, Khammam District.
11 Bidhraraju Bharathamma, (File No.112/3201/85),
W/o.Late Lakshma Raju, Hindu, R/o.Chintakani Post & Mandal,
Khammam District.
12 Kastrapati Hrushikesa Sharma, (File No.112/1988/85),

S/o.Panakala Rao, Hindu, R/o.Jubileepura,
Khammam, Khammam District.

13 Votla Madhava Rao, S/o.Narayana, Hindu,
(File No.112/2524/85) Mudipalli,
Madhira Taluk, Khammam District.

14 Bodepudi Chander Shakar, S/o.Satyanarayana, Hindu,
(File No.112/3562/85) V.D.O.Colony,
Khammam, Khammam District.

15 Gandhi Venkateswar Rao, (File No.112/1719/85),
S/o.Narayana, Hindu, H.No.1-3-1/1,
Kawadiguda, Hyderabad.

16 Gandi Bharathamma, (File No.112/2701/85),
W/o.Lakshmaiah, Hindu, R/o.Arempala,
Khammam Rural Mandal, Khammam District.

17 Puchakayala Sreenivasa Rao, (File No.112/2807/85),
S/o.Appaiah, Hindu, R/o.Gudurphad,
Khammam Rural Mandal, Khammam District.

18 Mandadapu Veeraiah, (File No.112/2807/85),
S/o.Ramachander, Manchukonda,
Thirumalayapalem Taluk, Khammam District.

19 Gurram Ramaiah, (File No.112/1617/85),
S/o.Narasaiah, Hindu, R/o.M.V.Palem,
Khammam Rural Mandal, Khammam District.

20 Sareddy Venkamma,. (File No.112/3202/85),
W/o.Gopaiah, Hindu, R/o.Thirumalayapalem Taluk,
Khammam District.

21 Nuvvla Rosaiah, (File No.112/3202/85),
S/o.Rangaiah, Hindu, Papatpalli,
N.R.Banjra, Khammam District.

22 Mankena Butchaiah, (File No.112/3101/85),
S/o.Venkaiah, Hindu, R/o.Guralaphad,
Khammam Rural Mandal, Khammam District.

23 Dondela Vasu, (File No.112/2602/85),
S/o.Venkateswarlu, Hindu, R/o.Plot No.B3,
G.K.Nagar, Officer Colony, E.C.I.L.Post, Hyderabad.

24 Pauvurala Nagaiah, (File No.112/2701/85),
S/o.Mutahaiah, Hindu, R/o.Paputpalli,
Khammam Urban Mandal, Khammam District.

25 Pasangula Narayana, (File No.112/2199/85),
S/o.Muthaiah, Hindu, R/o.Narasimnapuram,
Chintakani Mandal, Khammam District.

26 Pasangula Pullaiah, (File No.112/3576/85),
S/o.Muthaiah, Hindu, R/o.Narasimhapuram,
Chintakani Mandal, Khammam District.

27 Sameneni Krishnaiah, (File No.112/1918/85),
S/o.Chalamaiah, Hindu, R/o.Repallevada,
Chintakani Mandal, Khammam District.

28 Loya Venkaiah, (File No.112/2703/85),
S/o.Nagaiah, Hindu, R/o.Narasimhapuram,
Chintakani Mandal, Khammam District.

29 Kondaparthi Atchaiah, (File No.112/3134/85),

S/o.Jaggaiah, Hindu, R/o.Nehrunagar,
Khammam, Khammam District. **... PETITIONER(S)**

AND

1 The Deputy Secretary to the Govt. of India, Ministry of Home Affairs,
Freedom Fighters Division, Ist Floor, Lok Noyak Bhavan,
New Delhi.
2 The Chairman, Freedom Fighters Screening Committed,
Lok Nayak Bhavan, New Delhi.
3 The Pay & Accounts Officer (Pension & Miscellaneous) Ministry of Home Affairs,
10/2, Jan Nagar House, New Delhi.
4 The Government of Andhra Pradesh, Rep. by its Secretary,
Revenue (Freedom Fighters) Department, Secretariat Buildings,
Hyderabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to o issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not disposing the applications (Files) of the petitioners pending on the file of the first respondent for sanction of Freedom Fighters pension on par with similarly situated persons under "SWATHANTRA SAINIK SANMAN PENSION" is illegal, arbitrary and in violation of principles of Natural Justice and further direct the respondents herein to consider the petitioner's applications (Files) submitted to the 1st respondent for sanction of Freedom Fighters pension on par with similarly situated persons under "SWATANTRA SAINIK SANMAN PENSION" with all consequential arrears with effect from the date on which they have submitted their applications as per the Supreme Court Judgement in Mukund Lal & Others Vs Union of India & others in W.P.153/92 (Civil) dated:14.5.1993 within two months and pass.

Counsel for the Petitioner:MR.VENKATESWARA RAO DITTAKAVI

Counsel for Respondents 1 to 3.: MR.A.RAJASHEKAR REDDY (ASSISTANT SG)

Counsel for the Respondent no.4 : G.P. FOR REVENUE

The Court made the following :

ORDER:

The present writ petition is filed questioning the action of the first respondent in not disposing of the applications of petitioners for grant of “Swatantra Sainik Sanman Pension.”

In the affidavit filed in support of the writ petition, it is stated that all the petitioners are freedom fighters and that they participated in the freedom struggle launched by the Hyderabad State Congress against the Nizam Government, and submitted their applications to the respondents on various dates from the year 1985 to 1991 for grant of Swatantra Sainik Sanman Pension. However, no details were furnished as to the date of submission of application forms, file numbers allotted to such application forms etc. In the absence of such details, it cannot be said that the respondents have not acted properly in the matter.

Though, the writ petition was admitted in the year 1997, till date no counter affidavit filed is in the matter. Learned standing counsel for Central Government is also not in a position to inform whether any such application are pending with the respondents and the steps taken thereon.

Hence, without going into the merits or otherwise of the claim of the petitioners, I deem it appropriate to dispose of the writ petition, with the following direction;

If there are any representations/applications of the petitioners pending, the respondents are directed to consider the same and pass appropriate orders in accordance with law.

Accordingly the writ petition is disposed of. No costs.

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N.V.RAMANA,J

9-3-2005

TVK

To

1 The Deputy Secretary to the Govt. of India, Ministry of Home Affairs,
Freedom Fighters Division, Ist Floor, Lok Noyak Bhavan,
New Delhi.
2 The Chairman, Freedom Fighters Screening Committed,
Lok Nayak Bhavan, New Delhi.
3 The Pay & Accounts Officer (Pension & Miscellaneous) Ministry of Home Affairs,
10/2, Jan Nagar House, New Delhi.
4 The Secretary, Government of Andhra Pradesh,
Revenue (Freedom Fighters) Department, Secretariat Buildings,
Hyderabad.

5) 2 CD copies

6) 2 C.C. s to the G.P. for Revenue, High Court Buildings, Hyderabad

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